APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,304	04/21/2004	Satoru Ouchi	119516	4786

25944   7590   01/25/2010
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EXAMINER
UTAMA, ROBERT J

ART UNIT	PAPER NUMBER
3715	

NOTIFICATION DATE	DELIVERY MODE
01/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/828,304	OUCHI, SATORU
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 September 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,8-11 and 17-22_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4, 8-11, 17-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of the application

1.   This office action is a response to the amendment and argument filed on 09/15/2009.

The current status of the application is as follows: claims 1-4, 8-11, 17-22 are still pending and

claims 5-7 and 12-16 have been cancelled.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to
which said subject matter pertains. Patentability shall not be negatived by the manner in
which the invention was made.

3.   **Claims 1-4, 8-11 and 17-22 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Nishimura et al in view of Braun US 6,300,936 (and in view of the

reference that is incorporated in part: Rosenberg US 5,959,613 and Nishimura US

6,147,674).

Claims 1, 8 and 17: The Nishimura reference discloses a simulator which imparts vibrations

to an operator by driving a vibration mechanism in accordance with a generation of a given

simulation state (see Abstract) that comprises of: a simulation calculation section which

perform simulation calculation to manipulate a simulator object with an operational input from

an object operation section during the simulation (see col. 8:50-35); a vibration control section

which drives the vibration mechanism on condition that a predetermined occurrence

simulation state has occurred during the simulation based on the operational input from the

object operation section (see col. 9:20-30); a vibration condition setting section which receives a

vibration condition setting which specifies the vibration occurrence simulation states, by a

separate operation input from an operating section for vibration condition setting (see col.

9:50-56); wherein vibration condition setting section performs condition setting process to receive which includes at least vibration pattern in the vibration occurrence simulation state specified by the vibration condition setting (see col. 9:20-30 and 9:60-65) and wherein the vibration mechanism control section drives the vibration mechanism relation to the set of vibration content, when the vibration occurrence simulation state specified by the vibration condition setting occurs (see col. 12:30-45).

The Nishimura reference fails to provide a teaching of the vibration condition setting set by the operator. However, the Braun reference provides a teaching of a vibration condition setting set by the operator (see col. 17:30-50). Therefore, it would have been obvious to include the feature of having a vibration condition setting that includes vibration intensity and pattern and where the vibration control setting receives setting from a user, as taught by Braun, because it would enable the user to customize the effect of the force feedback to his/her preference.

The Braun reference provides a teaching wherein the plurality of vibration occurrence simulation occurs simultaneously as conditions that cause a vibration mechanism to vibrate, the vibration mechanism control section controls the vibration mechanism in accordance to the degree of priority assigned to the simulation states (see col. 22:35-60 and Rosenberg US 5,955,613 see col. 16:45-65).

Claims 2, 9 and 18: The Nishimura reference fails to provide a teaching of wherein the vibration condition setting performs condition setting processing to display a vibration condition setting image on a display and receive vibration condition setting by an operation input from the operation section for vibration condition to store in a storage section. However, the Braun reference provides a teaching of a teaching of wherein the vibration condition setting performs condition setting processing to display a vibration condition setting image on a display and receive vibration condition setting by an operation input from the operation section for vibration condition to store in a storage section (see FIG. 5 and col. 17:30-50 and 20:15-27).

Therefore, it would have been obvious to include the feature of the vibration condition setting

performs condition setting processing to display a vibration condition setting image on a

display and receive vibration condition setting by an operation input from the operation section

for vibration condition to store in a storage section, as taught by Braun, because it would

enable the user to customize the effect of the force feedback to his/her preference.

Claims 3-4 and 10-11: The Nishimura reference fails to provide a teaching of wherein a

plurality of the vibration occurrence simulation states simultaneously as condition that causes

the vibration mechanism to vibrate, the vibration control section synthesizes the vibration

content of the plurality of vibration occurrence simulation states that has been set by the

vibration content section and control the vibration mechanism [claim 3-4] and a teaching of

synthesizing a plurality of vibration content and controlling the vibration when a plurality of

simulation states occur simultaneously as the condition that cause the vibration mechanism to

vibrate, at the time of driving the vibration mechanism on the condition that the vibration

occurrence simulation state has occurred. However, the Braun reference provides a teaching

of wherein a plurality of the vibration occurrence simulation states simultaneously as condition

that causes the vibration mechanism to vibrate, the vibration control section synthesizes the

vibration contents of vibration occurrence simulation states a plurality of vibration content that

has been set by the vibration content section and control the vibration mechanism (see col.

17:50-62) and a teaching of synthesizing a plurality of vibration content and controlling the

vibration when a plurality of simulation states occur simultaneously as the condition that

cause the vibration mechanism to vibrate, at the time of driving the vibration mechanism on

the condition that the vibration occurrence simulation state has occurred (see col. 17:50-62).

Therefore, it would have been obvious to include the feature of wherein a plurality of the

vibration occurrence simulation states simultaneously as condition that causes the vibration

mechanism to vibrate, the vibration control section synthesizes a plurality of vibration content

that has been set by the vibration content section and control the vibration mechanism as

taught by Braun, because it would enable the user to be imparted with a more realistic force

simulation (see col. 6:60-65).

Claims 19-20 and 21-22: The Nishimura reference does not provide a teaching of having a

vibration condition setting that includes vibration intensity and pattern and where the

vibration control setting receives setting from a user.   However, the Braun reference provides a

teaching of having a vibration condition setting that includes vibration intensity and pattern

(see FIG 5 and col. 17:30-50) and where the vibration control setting receives setting from a

user (see col. 17:30-50).   Therefore, it would have been obvious to include the feature of

having a vibration condition setting that includes vibration intensity and pattern and where the

vibration control setting receives setting from a user, as taught by Braun, because it would

enable the user to customize the effect of the force feedback to his/her preference.

Response to Arguments

4.   With respect to applicant's argument on the combination of Nishimura and Braun, the

applicant argues that the Braun reference fails to provide a teaching of the limitation "wherein

a plurality of the vibration occurrence simulation states occur simultaneously as condition that

cause the vibration mechanism to vibrate, the vibration control section control the vibration

mechanism in accordance with degrees of priority assigned to the simulation states." The

examiner respectfully disagrees. The Rosenberg reference provide a teaching that each of the

distinct its own magnitude level (priority) and when the two effects are superimposed it would

create a vibration signal in accordance that the two magnitudes (see Rosenberg '613 col. 18:40-

19:20). Similarly, the applicant's specification shows that the degree of priority of the vibration

is used to determine the magnitude of the vibration (see specification page 16 line 3-12 and

page 6 lines 15-20).   As such, the examiner takes the position that the Rosenberg reference

contains equivalent teaching of "degree of priority" for each of the different vibration. As such,

the examiner concludes that applicant's argument is not sufficient to overcome the prior art combination.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715